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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/874,106
Filing Date: June 04, 2001
Appellant(s): SIMPSON ET AL.

CHARLES W. GRIGGERS
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/17/2008 appealing from the Office action mailed 10/17/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,499,016	ANDERSON	12-2002
7,069,237	TATE	6-2006
6,732,162	WOOD et al	5-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-16 and 18-36 are pending.

CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-16, 18-25, 27, 32, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson* (US 6,499,016) in view of *Tate* (US 7,069,237).

a. Per claim 1, *Anderson* teaches a system for searching imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository by a requested web service operatively connected to a computing device requesting the service, comprising:

- a computing device for requesting service with the requested web service (*Abstract, col.2 lines 53-67*);
- a personal imaging repository associated with a particular user profile for storing imaging data that is to be accessed by the requested web service (*col.2 lines 56-67, col.3 lines 10-67, col.5 lines 20-30, col.5 line 64-col.6 line 8, col.6 lines 32-42*), wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services (*col.2 lines 56-67, col.5 lines 10-19, col.6 lines 32-42*);
- user information for allowing access to said personal imaging repository (*col.5 lines 20-30*); and,

- a requested web service for servicing the imaging data stored in said personal imaging repository responsive to a request from a user and upon having access to said personal imaging repository granted upon receiving said user profile (*col.5 line 64-col.6 line 8*),
- wherein said imaging data is maintained in said personal imaging repository once said imaging data is service for at first time (*col.6 lines 9-51*).

Anderson fails to explicitly teach wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository and said imaging data being made available to being freely used by other web services. However, *Tate* teaches storing a user's images at a retailer or server and adding hotlink pointers to the imaging data in order for user to access the imaging data stored at the server (*col.5 lines 24-49*), wherein the imaging data may also be available to other parties (*col.3 line 55-col.4 line 19, col.6 lines 5-14, col.7 lines 7-17, col.7 line 38-col.8 line 55*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* with *Tate* for the purpose of provisioning customization and referencing of the images from the requested web service and allowing other web services to use the uploaded images, in order to provide image enhancements from customization tools that may be unavailable to the submitting user—which serves to effectively promote and upgrade the images' quality for advanced utilization and frees users from performing time-consuming enhancements to their images.

b. Claims 19 and 36 contain limitations that are substantially equivalent to claim 1, differing only in statutory class, and are therefore rejected under the same basis.

c. Per claim 2, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said requested web service sends a web content responsive to a service

request from said computing device (*Abstract, col.2 lines 53-67, col.6 lines 19-42; Tate—col.7 line 7-col.8 line 55*).

d. Per claim 3, *Anderson* teaches the system as defined in claim 2 wherein said web content causes said user information to be sent to said web service (*col.5 lines 20-30, col.6 lines 19-42; Tate—col.7 line 7-col.8 line 55*).

e. Per claim 4, *Anderson* teaches the system as defined in claim 3 wherein said web service accesses said personal imaging repository using said user information (*col.5 lines 20-35, col.6 lines 2-8*).

f. Per claim 5, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said web service is provided through a web server (*Figure 1, col.2 lines 61-67, col.5 lines 10-19, col.6 lines 19-31; Tate—col.7 line 7-col.8 line 55*).

g. Per claim 6, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said computing device further includes a web browser for displaying and executing web content from the available web services (*col.6 lines 19-31; Tate—col.6 lines 38-67*).

h. Per claim 7, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository provides the imaging data in a plurality of file formats (*col.3 lines 30-49*).

i. Per claim 10, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises an imaging data store for storing imaging data (*col.2 lines 2-15 and 53-67, col.3 lines 15-30*).

j. Per claim 11, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises a plurality of imaging data stores for storing imaging data (*col.5 lines 10-30 and col.5 line 64-31*).

k. Per claim 12, *Anderson* with *Tate* teach the system as defined in claim 11, *Anderson* further teaches wherein one of said plurality of imaging data stores is assigned to the user associated with said personal imaging repository for user usage (*col.5 lines 10-30 and col.5 line 64-col.6 line 31*).

l. Per claim 13, *Anderson* with *Tate* teach the system as defined in claim 11, *Tate* teaches wherein one of said plurality of imaging data stores is assigned to a web service for storing imaging data available to the public (*col.7 line 7-col.8 line 55*).

m. Per claim 14, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said personal imaging repository comprises a composition store for storing imaging compositions of imaging data serviced as a single unit (*col.3 line 50-col.4 line 47*).

n. Per claim 15, *Anderson* with *Tate* teach the system as defined in claim 14, *Anderson* further teaches wherein an imaging composition comprises a link to each imaging data (*col.5 lines 20-30, col.6 lines 5-8; Tate—col.5 lines 24-52*).

o. Per claim 16, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said user information is identification and security information used for accessing said personal imaging repository (*col.5 lines 20-21, col.6 lines 38-39*).

p. Per claim 18, *Anderson* with *Tate* teach the system as defined in claim 1, *Anderson* further teaches wherein said user information is stored on the computing device (*col.5 lines 10-21*).

q. Per claim 20, *Anderson* teaches the method according to claim 19 wherein said step of requesting service further comprising the steps of: requesting web content from the requested web service by the browser of the computing device (*col.6 lines 21-34*); receiving the request for web content from the browser by the requested web service (*col.6 lines 28-38*); sending web content to the browser by the requested web service responsive to the request for web content (*col.6 lines 32-41*); receiving the web content from the web service by the browser (*col.6 lines 29-30*); and, displaying and executing the web content by the browser (*col.6 lines 24-42*).

r. Per claim 21, *Anderson* teaches the method according to claim 20 wherein said step of displaying and executing the web content further comprising the steps of: sending user information to the requested web service by the browser responsive to the web content (*col.6 lines 2-8 and 32-38*); and, directing the browser to a requested web service responsive to the web content (*col.6 lines 24-31 and 38-42*).

s. Claim 22 is substantially similar to claim 21 and is therefore rejected under the same basis.

t. Per claim 23, *Anderson* teaches the method according to claim 19 wherein said step of accessing the personal imaging repository further comprising the steps of: connecting with the composition store of the personal imaging repository by the web service (*col.6 lines 5-8 and 19-23*); obtaining a list of the imaging composition stored in the composition store by the

web service (*col.6 lines 19-27*); constructing a web content including a list of the imaging composition by the web service and control for selecting the available service (*col.6 lines 24-29*); and, sending the constructed web content to the browser by the web service for user selection (*col.6 lines 28-34*).

u. Per claim 24, *Anderson* teaches the method according to claim 23 further comprising the steps of: receiving the constructed web content from the web service by the browser (*col.6 lines 24-29*); and, displaying the constructed web content for user selections by the browser (*col.6 lines 30-38*).

v. Per claim 25, *Anderson* teaches the method according to claim 23 further comprising the steps of: requesting a selected composition in a specialized format from the composition store by the web service responsive to user selection; receiving a request for user selected composition in a specified format from the web service by the composition store; obtaining each imaging data indicated by the selected composition from its proper location; sending the imaging data linked from the user selected composition in the specified format to the web service by the composition store; and, receiving the imaging data in the specified format from the composition store by the web service (*col.6 lines 21-42*).

w. Per claim 27, *Anderson* teaches the method according to claim 19 wherein said step of accessing the personal imaging repository further comprising the steps of: connecting with the imaging data store of the personal imaging repository indicated from the user information; and, transferring the imaging data to the imaging data store (*col.5 lines 20-35, col.5 line 64-col.6 line 8, col.6 lines 19-42*).

x. Per claim 32, *Anderson* teaches the method according to claim 27 further comprising the steps of: obtaining a link reference of the transferred imaging data stored in the personal imaging data store; connecting with the composition store of the personal imaging repository indicated from the user information; creating an imaging composition having a link reference to the imaging data stored in the personal imaging data store; and, saving the imaging composition to the composition store (*col.6 lines 5-37; Tate—col.5 line 24-col.6 line 14*).

y. Per claim 35, *Anderson* teaches method according to claim 32 wherein said step of creating an imaging composition further comprising the step of adding the link reference of the imaging data stored in the imaging data store to the imaging composition (*col.5 lines 20-30, col.6 lines 5-18; Tate—col.5 line 24-col.6 line 14*).

Claims 8, 9, 26, 29-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson* (US 6,499,016) with *Tate* (US 7,069,237) in further view of *Wood et al* (US 6,732,162).

z. Per claim 8, *Anderson* teaches the system of claim 7 as applied above, yet fail to explicitly teach the system, wherein said personal imaging repository further comprising a converter for converting the imaging data to any of said plurality of file formats. However *Wood et al* teach a converter for converting the image data into different formats (*col.4 lines 65-67, col.9 lines 5-14*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* and *Tate* with *Wood et al* for the purpose of provisioning the conversion of images into different formats for useable by different imaging applications and for reducing/compressing the image size.

aa. Per claim 9, *Anderson and Tate* with *Wood et al* teach the system as defined in claim 7, wherein said plurality of file formats of said personal imaging repository is any one from the group consisting of: Joint Photographic Experts Group Format; Graphics Interchange Format; Portable Network Graphics Format; Tagged Image File Format; Portable Document Format; and, Microsoft Windows bitmap format (*col.4 lines 28-29, col.9 lines 37-39, col.24 lines 50-67*).

bb. Per claim 26, *Anderson and Tate* with *Wood et al* teach the method as defined in claim 25, *Wood et al* further teach wherein said step of sending the imaging data further comprising the steps of: determining whether the imaging data needs to be converted into the specified format; and, converting the imaging data in the specified format when the imaging needs to be converted into the specified format (*col.4 lines 22-31, col.6 lines 10-14, col.8 lines 31-47, col.24 lines 40-67*).

cc. Per claim 29, *Anderson and Tate* with *Wood et al* teach the method according to claim 27, *Wood et al* further teach the method comprising the steps of: connecting with the imaging data store further comprising the steps of: determining whether the connection with the imaging data store is successful; and, returning an error message to the user when the connection is not successful (*col.6 lines 25-43*).

dd. Claim 30 is substantially equivalent to claims 8 and 26 and is therefore rejected under the same basis.

ee. Claim 31 is substantially equivalent to claim 9 and is therefore rejected under the same basis.

ff. Claim 34 is substantially similar to claim 29 and is therefore rejected under the same basis.

Claims 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Anderson* (US 6,499,016) with *Tate* (US 7,069,237) in further view of *Morris et al* (US 6,353,848).

gg. Per claim 28, *Anderson* with *Tate* teach the method according to claim 27 as applied above, yet fail to explicitly teach the method further comprising the steps of: obtaining a link reference of the transferred imaging data stored in the personal imaging data store; and, disconnecting from the imaging data store by the requested web service. However, *Morris et al* teach obtaining a link reference of the stored imaging data and disconnecting by the web service (*col.13 lines 30-52 and col.16 lines 39-67*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* and *Tate* with *Morris et al* for the purpose of establishing a link reference, wherein the data can be accessed via the link without the connection of the imaging data store and web service because this allows for efficient and quicker accessibility to the data.

hh. Claim 33 is substantially similar to claim 28 and is therefore rejected under the same basis.

(10) Response to Argument

- A. With respect to independent claims 1, 19 and 36: Appellant argues that the *Anderson* reference fails to “teach or suggest that the image data is made available to be freely used by other web servers and respective web services”.**

Examiner respectfully directs attention to the rejection of the independent claims made in latest Office Action disclosed above. The independent claims are rejected under 35 U.S.C. 103(a) over *Anderson* in view of *Tate*; wherein *Anderson* is cited as the primary reference for teaching the majority of the claimed limitations. However, the rejection clearly details what Appellant argues above, that *Anderson* “fails to explicitly teach wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository and said imaging data being made available to being freely used by other web services”. In light of *Anderson*’s failure to teach this limitation, citations from the *Tate* reference were included in the rejection for teaching this limitation. Specifically stating, “...*Tate* teaches storing a user’s images at a retailer or server and adding hotlink pointers to the imaging data in order for user to access the imaging data stored at the server (*col.5 lines 24-49*), wherein the imaging data may also be available to other parties (*col.3 line 55-col.4 line 19, col.6 lines 5-14, col.7 lines 7-17, col.7 line 38-col.8 line 55*).

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Anderson* with *Tate* for the purpose of provisioning customization and referencing of the images from the requested web service and

allowing other web services to use the uploaded images, in order to provide image enhancements from customization tools that may be unavailable to the submitting user—which serves to effectively promote and upgrade the images' quality for advanced utilization and frees users from performing time-consuming enhancements to their images. Appellant's argument is therefore futile and void since the argument is not directed to the proper reference as indicated in the rejection.

B. With respect to independent claims 1, 19 and 36: Appellant argues that the *Tate* reference fails to disclose “that a first web service is used to add images to a second web service, since a customer or other parties interact directly with the server holding the digital images”.

Examiner respectfully disagrees. Appellant argues features that are not stated in the claim language. The claim limitation Appellant alludes to states “accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository” [Emphasis added to differentiate Appellant's argument from the actual claim language]. *Tate* clearly teaches that a customer is in contact over the Internet with a server and a wholesale service provider/retailer which stores the customer's digital images for processing (*col.3 line 50-col.4 line 4, col.5 lines 24-29 and 34-49*). Furthermore, the customer is able to provide instructions for modifying the images so that wholesale service provider/retailer server is able to add the modifications to the customer's stored images for additional processing, while also allowing other individuals to make improvements and additions to the stored images (*col.4 lines 5-19 and 38-53, col.6 lines 9-14, col.7 lines 7-37, col.8 lines 49-53*). Appellant's arguments are therefore unpersuasive.

C. With respect to dependent claims 2-16, 18 and 20-35: Appellant presents merely general allegations supporting the allowability of these claims in light of the arguments addressed above. Examiner therefore maintains the rejections made in the latest Office Action in view of Appellant's failure to articulate clear detailed arguments traversing the cited prior art.

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

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